



Wichita Police Department Policy Manual

Approved by: _____

Policy 305 – Juvenile Arrests

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Maintained by:
Chief of Police

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JUVENILE OFFENDERS:

- 305.01 Juvenile offenders are those individuals suspected of criminal activity who are ten (10) or more years of age, but are less than eighteen (18) years of age.

INTERROGATING JUVENILES:

- 305.02 Should an officer suspect that a juvenile has been involved in a crime to the extent that interrogation becomes necessary, the juvenile shall be advised of his/her rights under the Miranda Ruling.
- A. Officers shall not interrogate any juvenile under fourteen (14) years of age without first obtaining consent from the juvenile's parent(s) or legal guardian(s). If one parent/guardian consents to the interview but one parent/guardian objects, interrogation should not start, or if started it should cease immediately.
 1. The parent(s) or legal guardian(s) shall be informed by the officer of the nature of the investigation prior to interrogation.
 2. If the parent/guardian consents to the interview, they have the right to be present before any questioning unless that right is waived.
 3. If the parent(s)/guardian(s) consents to the interview and are present at the time the juvenile's rights are read, the officer shall read and explain the rights to both the juvenile and the parent(s)/guardian(s).
 - B. Miranda for juveniles ages fourteen (14) through seventeen (17) is handled the same as for an adult.

QUESTIONING JUVENILES AT SCHOOL

- 305.03 When arriving at a school facility for the purpose of questioning or taking a student into custody or when already on the campus of a school investigating an act of a criminal nature involving a pupil of the school:
- A. Officers, unless immediate action upon arrival is deemed necessary, will first contact the building principal or designee prior to contacting a pupil regardless of whether the pupil is in the building or any other part of the school campus. In any event, the building principal or designee shall be contacted as soon as possible.
 - B. For a Wichita Public school facility, Officers shall complete the "Verification of Law Enforcement Contact with Pupil" form provided by the school indicating the reason(s) for the pupil contact. This form will remain on file with the School District.
 - C. When the pupil is a suspect in a criminal investigation, only the officer or detective will be involved in the interview. At no time will a school administrator be involved in the questioning of a student during the criminal investigation.
 - D. Officers and Detectives will not be involved in the administrative investigation conducted by the school administration.

305.04 QUESTIONING JUVENILES AT JUVENILE DETENTION FACILITY (JDF)

When interviewing a juvenile at the Juvenile Detention Facility (JDF) Wichita Police Department personnel will:

- A. Give 30 minutes advanced notice to facility by calling 660-9760 and notifying a duty supervisor
- B. Advise supervision what information should be relayed to Juvenile
- C. Conduct interview in a room specifically designated as an interview room
- D. Notify the facility if you are not going to be able to get to the interview.

JUVENILE TRAFFIC CITATIONS:

- 305.05 Officers citing juveniles for traffic infractions/ traffic misdemeanors shall adhere to Policy 407-Traffic Arrests & Citations/Parking Citations.

REQUIRED INFORMATION FOR ARREST/INCIDENT REPORT:

- 305.06 The following information is required to be included in the Incident Report/Arrest Report whenever a juvenile is questioned as a suspect, or is arrested:

- A. Identifying information on parent(s)/guardian(s);
- B. Location(s) where juvenile(s) was (were) taken into custody;
- C. If the parent(s)/guardian(s) was (were) notified, and if applicable, the time and date;

- D. To whom offender(s) was (were) released;
- E. Complete physical description of each juvenile.
- 305.07 Whenever a juvenile offender is involved in a case, a statement of the facts of the case shall be written in the narrative section of the Incident Report. This statement shall include sufficient information, if available, to draw a juvenile petition without additional follow-up investigation.
- 305.08 ARREST APPROVAL/PARENTAL NOTIFICATION REQUIRED
All juvenile arrests require approval from a commissioned supervisor prior to a juvenile being transported. The name of the supervisor approving the arrest shall be noted in the officer's Incident /Arrest Report. The arresting officer is also responsible for notifying the parent(s) or guardian(s) that their child is in police custody, and all such notifications will be made in a timely manner. The parent / guardian contact (or attempt to contact) information shall also be documented in the officer's Incident / Arrest Report.
- SEARCHING /HANDCUFFING/ TRANSPORTING ARRESTED JUVENILES:
- 305.09 All officers shall follow the Departmental guidelines set forth in Policy 302 - Booking of Prisoners in regard to searching, handcuffing, and transporting arrested juveniles.
- REQUIRED RECORDS CHECK OF JUVENILE:
- 305.10 Officers shall determine whether an arrested juvenile has any active warrant(s) or has been remanded to adult status by running a records check through SPIDER, and also by calling the JDF Intake at 660-9750.
- CRITERIA FOR BOOKING JUVENILES INTO THE JUVENILE DETENTION FACILITY (JDF):
- 305.11 All arrested juveniles who meet one (1) of the following criteria must be taken to JDF [exception: a juvenile who has been remanded to adult status; see Section 305.17]:
- A. The juvenile is alleged to have committed an offense of homicide, rape, robbery, or aggravated assault.
 - B. There is an oral or written verification that the juvenile is a fugitive sought for an offense in another jurisdiction, or that the juvenile is currently an escapee from a juvenile detention facility;
 - C. The juvenile is discovered to have a criminal warrant.
- 305.12 CRITERIA FOR TAKING JUVENILES TO JUVENILE INTAKE ASSESSMENT CENTER (JIAC)
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- A. All juveniles who are taken into custody for any offense, other than those listed in 305.11, will be transported to JIAC unless they meet the criteria listed in 305.13 for issuing an agreement to appear (this includes any second, or subsequent arrest for truancy).
 - B. All juveniles who are taken into custody for a curfew violation will be transported to JIAC.
 - C. All juveniles who have an active Municipal Court warrant after normal business hours or on weekends and holidays. During normal business hours, the juvenile shall be transported to the Warrant Office to dispose of the warrant.
- CRITERIA FOR ISSUING AN AGREEMENT TO APPEAR
- 305.13 Juveniles who are taken into custody at a Wichita Public School campus for an offense that occurred at a Wichita Public school campus and who meet the following criteria can be issued an Agreement to Appear (ATA) in lieu of being transported to JIAC.
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- A. The juvenile has committed a misdemeanor violation
 - B. The juvenile has positive identification
 - C. The juvenile is being cooperative
 - D. The juvenile's parent/guardian can be reached and agrees to pick up the juvenile in a reasonable amount of time
- AGREEMENT TO APPEAR PROCEDURE
- 305.14 When a juvenile arrest meets the criteria listed in 305.13 and it is determined that an agreement to appear may be issued, officers shall adhere to the following:
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- A. Explain to the juvenile and responsible parties that law enforcement can take the juvenile to JIAC immediately for intake and assessment. Let them know that if they agree to make an appointment with JIAC staff as stated on the Agreement to Appear (ATA) form and follow-through with the intake and assessment process, that the juvenile will be released to the responsible party rather than taken to JIAC at that time.

- B. Fill out the Agreement to Appear (ATA) form and have both juvenile and juvenile's parent/guardian sign the form. The ATA form will be available at all USD 259 locations. Give the parent/guardian the blue copy and the school the pink copy. Turn in the yellow copy with your case.
- C. Advise juvenile and parent/guardian to contact JIAC within 24 hours to schedule an assessment.
- D. Let the juvenile and the responsible parties know that the District Attorney's Office will be informed of their cooperation in the process. Let them know that in any future legal proceedings the juvenile's performance and/or cooperation in regards to this process may be taken into consideration by the DA's office.
- E. Complete an Incident Report and cut the case.
- F. Advise Records to contact JIAC via email at JIAC@JIAC.sedgwick.gov regarding the incident.

CRITERIA FOR FINGERPRINTING/PHOTOGRAPHING JUVENILES:

- 305.15 According to K.S.A 38-2313, a juvenile shall be fingerprinted and may be photographed only under the following circumstances:
- A. When he/she is arrested for a felony [non-traffic--see Section 305.15]; or
 - B. When he/she is arrested for an offense which, if committed by a person 18 or more years of age, would make the person liable to be arrested and prosecuted for the commission of a class A or B misdemeanor or assault; or
 - C. When he/she is arrested for any traffic offense found in Section 305.16 [not a traffic infraction]; or
 - D. When he/she has been previously adjudicated as an adult, pursuant to K.S.A. 38-2347(2), and commits a new misdemeanor or felony offense [see Section 305.17]; or
 - E. When he/she has been prosecuted as an adult, by reason of K.S.A. 38-2347(2) or by K.S.A. 38-1636, and such prosecution results in a conviction; or
 - F. Upon authorization by a Judge of the District Court.

GENERAL REQUIREMENTS FOR FINGERPRINTING/ PHOTOGRAPHING JUVENILES:

- 305.16 All fingerprinting and photographs will be completed at JDF or JIAC before the juvenile is released to any other agency.
- 305.17 Juvenile fingerprints and/or photographs may be furnished to another law enforcement agency if that agency has legitimate need for them. Dissemination of juvenile fingerprints and photographs to another law enforcement agency must be approved by the Director of the Records Bureau.

JUVENILE FELONY ARREST PROCEDURE [NOT REMANDED AS AN ADULT]:

- 305.18 When a juvenile between age ten (10) and seventeen (17) is arrested for an offense amounting to a felony [non-traffic] and has not been previously remanded to adult status, officers shall adhere to the following:
- A. If the juvenile is injured, or is to be interviewed, follow the guidelines found in Policy 302-Booking of Prisoners.
 - B. Transport the juvenile to JDF or JIAC, depending upon criminal charges.
 - C. The officer shall not obtain a mug number from the Case Desk.
 - D. The juvenile shall be photographed, and the officer shall ensure that the Incident Number is clearly written on the mug board for the photograph.
 - E. The juvenile shall be fingerprinted by JDF or JIAC personnel, using the following fingerprint cards:
 - 1. Two "red K.B.I." fingerprint cards; and
 - 2. Palm print cards.
 - F. The JDF or JIAC staff shall put the completed fingerprint cards with a photocopy of the Arrest Report attached in the WPD mail tray.

JUVENILE TRAFFIC OFFENSE ARREST PROCEDURE:

- 305.19 When a juvenile age fourteen (14) and above is arrested for a traffic offense of DUI, Hit and Run, Evade and Elude a Police Officer, Driving While License Suspended or Driving Without Insurance.
- A. The juvenile shall be issued a mug number. The officer shall obtain the mug number from Case Desk when cutting the case, and shall place it on the Arrest Report.

- B. The juvenile shall be photographed, and the officer shall ensure that the mug number which was obtained from Case Desk is clearly written on the mug board for the photograph.
- C. The juvenile shall be fingerprinted, using the AFIS system with electronic submittal to the state.
- D. When arresting a juvenile DUI offender, the officer shall call the Adult Detention Facility and obtain a court date, providing the juvenile information to the ADF. It is mandatory to have a court date issued.

PROCEDURE FOR JUVENILE WHO HAS BEEN REMANDED AS AN ADULT:

- 305.20 When a juvenile is arrested, and a subsequent check through SPIDER reveals that he/she has been previously remanded as an adult, the officer shall adhere to the following guidelines:
- A. The juvenile shall be handled in the same manner as an adult; if the offense requires booking, take him/her to the Adult Detention Facility. Do not transport him/her to JDF.
 - B. The officer must obtain the following information to be given to Case Desk when cutting the case, and also to be documented in the Arrest Report:
 - 1. The journal entry and/or referral number; and
 - 2. The date of referral to adult status.
 - C. The officer shall complete the booking process in the same manner as for an adult [refer to Policy 302-Booking of Prisoners].

JDF AND JIAC BOOKING PROCEDURES:

- 305.21 When a juvenile is placed into JDF or JIAC, a copy of the Arrest Report shall be left with the staff. When more than one (1) juvenile is detained in the same case, only one (1) copy of the Arrest Report is necessary, provided it contains all pertinent information.
- 305.22 When entering JDF or JIAC, an officer shall secure his/her weapon in either the JDF or JIAC weapon locker, or in the locked trunk of his/her locked police vehicle prior to entering the interior portion of the facility.
- 305.23 Officers shall be responsible for obtaining a mug number for juveniles who have been arrested for a traffic offense, and to ensure that the mug number is recorded on both the Arrest Report and the mug board for the juvenile's mug photograph.
- 305.24 It is the JDF or JIAC staff's responsibility to ensure that all juvenile fingerprint cards are signed by both the juvenile and the JDF or JIAC staff taking the prints.

INVESTIGATIONS DIVISIONS RESPONSIBILITIES IN JUVENILE CASES:

- 305.25 The appropriate Investigations Divisions supervisor shall assign a juvenile arrest case to a Detective to determine whether sufficient evidence exists [or can be developed] to draw a petition.
- 305.26 When it appears there is sufficient evidence to draw a petition, the detective shall present the case to the Juvenile Division of the District Attorney's Office.
- 305.27 The detective who is assigned to a juvenile arrest case in which the juvenile is held at JDF will immediately notify the Juvenile Court Liaison Detective when it becomes known that charges will not be filed before the deadline for the detention hearing.

JUVENILE CURFEW ARREST PROCEDURES:

- 305.28 It is unlawful for any minor under the age of eighteen years to loiter, idle, wander, stroll, or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, or other public grounds, public places or public buildings, places of amusement or entertainment, eating places, vacant lots, or other place unsupervised by an adult having the lawful authority to be at such place during the following periods of time:
- A. For minors age fifteen and under, between the hours of eleven p.m. on any day and six a.m. of the following day, except on Friday and Saturdays when the hours shall be twelve midnight to six a.m. of the following day;
 - B. For minors age sixteen and seventeen, between the hours of twelve midnight on any day and six a.m. of the following day, except on weekends when the hours shall be one a.m. to six a.m. of any Saturday or Sunday.
- 305.29 Before taking any enforcement action, an officer shall ask the offender's age and reason for being in the public place. The officer shall not take a minor into custody unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances no defense as outlined in Chapter 5.52 of the Code of the City of Wichita is present.
- 305.30 Once an officer determines that a minor is in violation of the City's Curfew Laws the officer will take the minor into custody. The officer shall complete an Incident Report and a Notice of Curfew Violation (WPD form 322-314) and transport the minor to JIAC [see Section 305.11B].

- A. If the minor is driving a car at the time of the violation, the officer will take the minor into custody and impound the vehicle in accordance with Policy 404-Impounds. The officer shall use the incident number obtained from dispatch and document the impound in the Incident Report. The officer shall enter the case through case desk classifying it as a 2691 Curfew Law Violation and forward a copy of the report to the Records Bureau along with the Impound Receipt.
- B. If the minor is in custody for other charges, in addition to curfew, the officer will complete the IR and AR, documenting the curfew violation on the AR, and complete the "Notice of Curfew Violation," if applicable, [see 305.28-29], documenting the incident number on the front of the form.

NOTE: If the minor is in custody for charges which will require him/her to be processed at JDF, officers will document the curfew violation on their AR, and complete the "Notice of Curfew Violation." Officers may issue an NTA for those parents previously served written notice. This information shall be obtained from JIAC, see 305.29A, attaching a copy of the AR to the UCC/NTA, see 305.29C, and submit it with their mail.

305.31 Upon arrival at JIAC, the officer will confirm the minor's personal information and parent/guardian information and check for prior curfew violations and the date of last violation notating them in the Incident Report. Prior violations will be tracked and provided by JIAC staff. JIAC will maintain a copy and forward the original copy of the Notice of Curfew Violation to Records.

- A. If the minor has no prior curfew violation, the officer will complete and sign the Notice of Curfew Violation and leave it with the JIAC intake staff member. JIAC staff will serve the Written Warning to the parent(s)/guardian(s) when they arrive to pick up the minor.

305.32 If the minor has previous curfew violations, officers shall adhere to the following:

- A. Officers will obtain all prior Notice of Curfew Violations from JIAC and complete and sign a UCC/NTA for each parent/guardian previously served a Notice of Curfew Violation Written Warning. The incident number is to be placed on the UCC.
- B. Officers shall complete a new Notice of Curfew Violation and leave the original with JIAC. After being signed by the parent(s)/guardian(s), JIAC will maintain a copy and forward the original copy of the Notice of Curfew Violation to Records.
- C. Officers shall document the number of prior violations and the date of last violation in the Incident Report and leave the original with JIAC.

305.33 Officers shall make a photocopy of UCC/NTA for JIAC and properly serve the parent(s)/guardian(s) personally or by certified mail, return receipt requested, to his or her last known address.

JUVENILE DETENTION LOG ENTRY:

305.34 Anytime a juvenile is placed into a secure area (Investigations Division interview room, field services bureau holding cell, etc...) the information concerning the detention must be entered into the Juvenile Secure Custody Detention Log. When the detention is in an environment controlled by Investigations Division personnel the case detective will be responsible for the input of the data. In all other detentions the arresting officer or supervisor will be responsible for the input.

- A. The information will be entered into the log prior to the juvenile being removed from the secure area.
- B. The log is located on the Police Secure Portal site. To access the log on the portal, click on New Police Secure Site, and then click on Juvenile Secure Custody Detention Log, listed under the Information Services section.

305.35 The holding cells located at each of the substations and the interview rooms located in Investigations will not be utilized when dealing with juveniles in the following situations:

- A. Deinstitutionalization of Status Offenders – Juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult, shall not be placed in secure detention facilities or secure correctional facilities. (this includes Runaways, Truants, Curfew violators, Minors in Possession or consumption of alcohol.)
- B. Sight and Sound Separation – Juveniles meeting the criteria to be placed in a holding cell shall never be placed in the same cell or within sight or sound contact with an adult offender.
- C. Juveniles accused of committing a criminal type offense (offenses that would be a criminal offense if committed by an adult) may be detained in an interview room for no more than (6) hours for the purposes identification, processing and to arrange for release or transfer.